

**STATE OF ALABAMA
SHELBY COUNTY**

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – February 16, 2009 – 7:00 P.M.

Members Present: Ralph Thomas, Chairman; Bob Land, Vice-Chairman; Rachel Garrett; Bill Kinnebrew; Robert Taylor; and Kenneth Wilder.

Members Absent: Scott Chambers.

Staff Present: Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Winston Sitton, Civil Engineer.

WORK SESSION

A work session was held prior to the regular meeting at 6:00 p.m. All interested parties were invited to attend. *Note: This was not a public hearing.*

PUBLIC HEARING

The meeting was called to order at approximately 7:05 p.m. by Ralph Thomas, Chairman. Mr. Thomas introduced the members of the Planning Commission and the staff. There were six (6) people present in addition to the Commission and the staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of February 2, 2009.

Commissioner Garrett made a motion to approve the minutes of the meeting of February 2, 2009. The motion was seconded by **Commissioner Kinnebrew** and by a vote of five (5), with Commissioners, Garrett, Kinnebrew Land, Taylor, and Wilder voting in favor, and Commissioner Thomas abstaining, the minutes of the meeting of February 2, 2009 were approved.

2. Z09-00001 Chase Side-Yard Setback Variance

Purpose: A request from Judy Chase, owner, for an 11 foot side-yard variance to permit an addition to an existing residence resulting in a 14 foot side-yard setback instead of the minimum 25 feet required in the Meadowbrook Special District; a variance of Section 3, Article XVIII, pursuant to Section 3, Article XXIII.

Location: The subject property is located at 4903 Meadow Brook Way in Meadowbrook Estates, 2nd Sector, 1st Phase, Lot 100 (Map Book 65, Page 7) in the North Shelby-I-65 Zoning Beat, Parcel Identification No. 09-3-06-0-001-001.015.

The case was introduced by Sharman Brooks, Department of Development Services. Ms. Brooks explained that the owner is a diabetic with cardiovascular conditions and that exercise is essential to her continued good health. Her physician has recommended swimming in a lap pool at her home as an excellent form of low impact exercise. The best construction method is an attached addition to the rear of her residence. This addition will be built to match the style of her home, maintaining the existing roof lines and complementary exterior materials.

Ms. Brooks explained that the variance requested, unfortunately, does not meet the minimum justification for a variance identified in Article XXIII § 3.2 of the Zoning Regulations. However,

Title II of the Americans With Disabilities Act of 1990, (ADA), requires public entities to make reasonable modifications to their policies, practices, and procedures, including their zoning policies, practices, and procedures to ensure that disabled individuals are not subject to discrimination resulting from the limitation of accessibility.

The owner of the subject property, Judy Chase, introduced her builder Don Blair. Mr. Blair explained to the Commission how the improvements would be added to the structure and blend with the existing design. Mr. Blair read into the record a letter from the adjoining property owner, Roger D. Burton, supporting Ms. Chase's request provided that the addition was *attached* to the existing structure. Mr. Burton stated that he would be opposed to a *detached* structure that he would consider an encroachment on his property. There was no one present to speak in favor of or in opposition to this request.

Commissioner Land made a motion to *Grant* the variance. The motion was seconded by **Commissioner Kinnebrew** and, by a unanimous vote of six (6), with Commissioners Thomas, Garrett, Kinnebrew, Land, Taylor, and Wilder voting in favor, the following resolution was approved:

WHEREAS, Judy Chase, owner, has petitioned the Shelby County Planning Commission to grant an 11 foot side-yard variance to permit an addition to an existing residence resulting in a 14 foot side-yard setback instead of the minimum 25 feet required in the Meadowbrook Special District; a variance of Section 3, Article XVIII, pursuant to Section 3, Article XXIII; and,

WHEREAS, subject property is located at 4903 Meadow Brook Way in Meadowbrook Estates, 2nd Sector, 1st Phase, Lot 100 (Map Book 65, Page 7) in the SD, Special District of the North Shelby - I65 Zoning Beat, Parcel Identification No. 09-3-06-0-001-001.015; and,

WHEREAS, the applicant is diabetic and suffers from certain cardiovascular conditions that compromise her ability to freely move about; and,

WHEREAS, the applicant's physician has determined that regular exercise is necessary for the maintenance of her health; and,

WHEREAS, her cardiologist and her internist agree that swimming exercise is an excellent low-impact form of exercise and have prescribed swimming for her health; and,

WHEREAS, building an addition to her home to enclose a lap pool for exercise will result in 14 foot side-yard setback instead of the minimum 25 feet required in the Meadowbrook Special District; and,

WHEREAS, Title II of the Americans with Disabilities Act of 1990, (CFR 28 § 35.130(b)(7)) provides "A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability...;"

NOW, THEREFORE, BE IT RESOLVED, by the Shelby County Planning Commission that the application of Judy Chase for an 11 foot side-yard variance to permit an addition to an existing residence resulting in a 14 foot side-yard setback instead of the minimum 25 feet required in the Meadowbrook Special District for property located at 4903 Meadow Brook Way, Parcel Identification No. 09-3-06-0-001-001.015 be, and the same is hereby *Granted* subject to:

- Applicant obtaining the appropriate building permits and inspections of work by the Department of Development Services for said improvements.
- Compliance with the regulations, policies and guidelines of Shelby County.

3. S-87-08; Porter Family Subdivision – Final Plat

Purpose: A request from Rodney Shiflett, Shiflett Surveying, representing the owner, JoAnne Richardson, for the approval of a final plat, to be called **Resurvey of Lot 2 – Porter Family Subdivision**, dividing a 123.67-acre lot into two lots.

Location: The subject property is located approximately 2.5 miles east of I-65 and south off of State Route 25 in the A-1, Agricultural District of the North Shelby – I-65 Corridor Zoning Beat and situated in the SE ¼ of Section 12 and the NE ¼ of Section 13, Township 22 South, Range 2 West and also the SW ¼ of Section 7 and the NW ¼ of Section 18, Township 22 South, Range 1 West; Parcel Identification No. Nos. 28-1-12-0-000-015.000, 28-6-13-0-000-002.000, 29-3-07-0-003-005.000, and 29-4-18-0-000-004.001.

The case was introduced by Tom Wilkins, Department of Development Services. Mr. Wilkins outlined the recent history of the subject property. As a part of the settlement of an estate, the **Porter Family Subdivision (Case No. S-84-05)** was recorded in the Office of the Judge of Probate on April 25, 2006 (MapBook 36, Page 185) dividing 168.26 acres into five (5) lots. Subsequently, the applicant, JoAnne Richardson purchased Lots 1 and 2, of the Porter Family Subdivision. Ms. Richardson now desires to resubdivide Lot2 into two (2) lots, to create a lot for her daughter’s residence.

It is the policy of Shelby County that all recorded plats be noted “*No further subdivision of any parcel shown hereon shall be allowed without the prior approval of the Shelby County Planning Commission.*” Consequently, this case must be approved by the Planning Commission prior to consideration.

Commissioner Wilder made a motion to *Approve* this subdivision. The motion was seconded by **Commissioner Garrett** and, by a unanimous vote of six (6), with Commissioners Thomas, Garrett, Kinnebrew, Land, Taylor, and Wilder voting in favor, the following resolution was approved:

WHEREAS, Rodney Shiflett, Shiflett Surveying, representing the owner, JoAnne Richardson, for the approval of a final plat, to be called **Resurvey of Lot 2 – Porter Family Subdivision**, dividing a 123.67-acre lot into two (2) lots; and,

WHEREAS, the subject property is located approximately 2.5 miles east of I-65 and south off of State Route 25 on Leach Cemetery Road and situated in the SE ¼ of Section 12 and the NE ¼ of Section 13, Township 22 South, Range 2 West and also the SW ¼ of Section 7 and the NW ¼ of Section 18, Township 22 South, Range 1 West; Parcel Identification No. Nos. 28-1-12-0-000-015.000, 28-6-13-0-000-002.000, 29-3-07-0-003-005.000, and 29-4-18-0-000-004.001; and,

WHEREAS, the maps and documents submitted meet the minimum requirements of the Subdivision Regulations of Shelby County, Alabama; and,

WHEREAS, the evidence and testimony presented warrants the approval of this subdivision;

NOW, THEREFORE, BE IT RESOILVED by the Shelby County Planning Commission that the application of Rodney Shiflett, Shiflett Surveying, representing the owner, JoAnne Richardson, for the approval of a final plat, to be called **Resurvey of Lot 2 – Porter Family Subdivision**, dividing a 123.67-acre lot into two (2) lots, located south off of State Route 25 on Leach Cemetery Road and situated in the SE ¼ of Section 12 and the NE ¼ of Section 13, Township 22 South, Range 2 West and also the SW ¼ of Section 7 and the NW ¼ of Section 18,

Township 22 South, Range 1 West; Parcel Identification No. Nos. 28-1-12-0-000-015.000, 28-6-13-0-000-002.000, 29-3-07-0-003-005.000, and 29-4-18-0-000-004.001 is hereby *Approved* subject to:

- Submitting a revised plat addressing all comments.
- Compliance with the regulations, policies and guidelines of Shelby County.

Pursuant to the bylaws of the Shelby County Planning Commission the “Vice-Chairman shall be elected by the Commission from among its regular members during the last meeting in the month of February.” **Commissioner Thomas** opened the floor for nominations. **Commissioner Taylor** made a motion to nominate **Commissioner Wilder** to serve as Vice-Chairman for the 2009-2010 term. There being no further nominations, by a vote of five (5) in favor and one (1) abstention, **Commissioner Kenneth F. Wilder** was elected to serve as Vice-Chairman of the Shelby County Planning Commission for the 2008-09 term.

The Planning Commission warmly recognized the quality of **Commissioner Ralph Thomas’** exemplary service during his second term in office.

There being no further business, **Commissioner Garrett** made a motion to adjourn. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of six (6), with Commissioners Garrett, Kinnebrew, Land, Taylor, Thomas, and Wilder voting in favor, the meeting was adjourned.

ADJOURNMENT 7:40 P.M. February 16, 2009.

David Hunke, AICP
Planning Services Supervisor

Ralph Thomas, Chairman
Shelby County Planning Commission